

Application No. 10/809,470
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REMARKS

As a preliminary matter, the Examiner is thanked for the courtesies extended to Ms. Maria Kourtakis in a telephone conversation today.

In another preliminary matter, the specification is amended herein to correct an apparent error in the diameter range of the microfibers. It follows by definition that a fiber having a length of about 100 microns and an aspect ratio of about 10:1 will have a diameter of about 8 to 12 microns. It is further apparent that fibers having larger aspect ratios or smaller lengths will also have smaller diameters. Therefore, this amendment introduces no new matter into the specification and does not change the scope of the claims.

Claim 1 is amended herein to further clarify the basis of the weight percentage. Support for this amendment may be found in the specification on page 2 at lines 10 to 13. This amendment is purely formal, unrelated to patentability, and does not change the scope of the claims. Claim 1 is also amended to further define the microfibers. A basis for this amendment may be found in the specification on page 5 at lines 1 to 27, on page 8 at lines 10 to 18, and in the Examples of the invention, *inter alia*. Therefore, the amendments to Claim 1 do not introduce any new matter into the specification.

Finally, Claim 10 is amended to add wollastonite to the list of inorganic microfibers. A basis for the amendment may be found in the specification on page 8 at lines 3 to 9, *inter alia*. This amendment is unrelated to patentability and also introduces no new matter into the specification.

Restriction Requirement

A restriction requirement has been made between the claims of Group I, drawn to a composition and articles comprising the composition, and those of Group II, drawn to a process for making a composition. The rejoinder of Group III, drawn to the articles, with Group I is acknowledged with gratitude.

Applicant respectfully traverses this restriction requirement. Nevertheless, in order to further the prosecution of the application, Applicant

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reaffirms the election of Group I, including claims 1 to 13 and 29 to 32. Claims 14 to 29 have been withdrawn from consideration without prejudice.

Rejections

The Official Action dated February 15, 2005, has rejected claims 1 to 3 and 7 to 10 under 35 U.S.C. § 103 as obvious over U.S. Patent No. 4,716,062, issued to Klein (hereinafter "Klein"). Claims 11 to 13 are rejected under 35 U.S.C. § 103 as obvious over Klein in view of U.S. Patent No. 6,433,037, issued to Guzauskas (hereinafter "Guzauskas"). Claims 1 to 3 and 7 to 10 have been rejected under 35 U.S.C. § 103 as obvious over U.S. Patent No. 6,689,835, issued to Amarasekera et al. (hereinafter "Amarasekera"). Finally, claims 12 and 13 are

These are the sole reasons presented in the Official Action why the present application should not be allowed.

First, Applicants note that the Official Action has provided no reason why the subject matter of claims 4, 5, 6, 30, 31, and 32 is unpatentable. Applicants therefore respectfully request an early indication of the allowability of these claims.

With respect to claims 1 to 3 and 7 to 13, Applicants respectfully traverse the rejections under 35 U.S.C. § 103 for the reasons set forth below.

It is well established that a claim is not obvious in light of a cited reference unless the cited reference teaches or suggests each and every element of the claimed invention. See, e.g., M.P.E.P. at § 2143. Claim 1 is amended herein to further characterize the microfibers, specifically including the method by which the microfibers are produced. None of the three cited references, alone or in combination, include any teaching or suggestion of a polyester composition comprising the claimed microfibers. Therefore, claim 1 is not obvious over the cited references.

Claims 2, 3, and 7 to 13 depend, directly or indirectly, from claim 1. It follows by statute that these claims are also not obvious, for at least the same reasons that are set forth above with respect to claim 1. Therefore, Applicants respectfully request that the rejections under 35 U.S.C. § 103 be withdrawn upon reconsideration.

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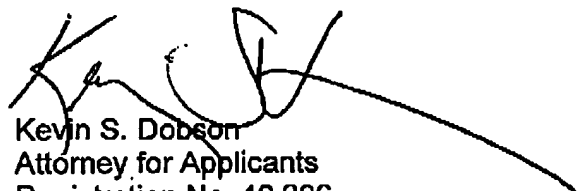
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Conclusion

A Petition for an Extension of Time for one month and the required fee for the extension is filed concurrently herewith. Should any further fee be required in connection with the present response, the Examiner is authorized to charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

In view of the above amendments and remarks, it is felt that all claims are in condition for allowance, and such action is respectfully requested. In closing, the Examiner is invited to contact the undersigned by telephone at (302) 992-3219 to conduct any business that may advance the prosecution of the present application.

Respectfully submitted,



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